

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA f/u/b/o TIP TOP
CONSTRUCTION CORP.,

Plaintiff,

v.

CMGC BUILDING CORP. and ENDURANCE
AMERICAN INSURANCE COMPANY,

Defendants.

Case 1:17-CV-00026

JOINT MOTION TO DIMISS WITH PREJUDICE

WHEREAS Plaintiff / Counter Defendant United States of America f/u/b/o Tip Top Construction Corp. and Defendant/Counterclaimant CMGC Building Corp. and Defendant Endurance American Insurance Company (collectively the “Parties”) have fully and finally resolved the claims and disputes between Tip Top Construction Corp. on the one hand and CMGC Building Corp. and Endurance American Insurance Company on the other:

NOW, THEREFORE, the Parties, pursuant to Fed. R. Civ. P. 41(a)(2), hereby stipulate, agree and move the Court to: (1) dismiss all Plaintiff’s claims against Defendants in their entirety and with prejudice.; (2) dismiss all Defendant/Counterclaimant’s counterclaims against Plaintiff/Counter Defendant in their entirety and with prejudice; (3) Tip Top Construction Corp. will pay for its own costs, expenses and attorneys’ fees which were incurred by Tip Top Construction Corp. in prosecuting or defending this matter and reaching settlement without seeking any reimbursement from CMGC Building Corp. and Endurance American Insurance Company; and, (4) Tip Top Construction Corp. will not be responsible for the costs, expenses and attorneys’ fees which were incurred by CMGC Building Corp. and Endurance American Insurance Company in prosecuting or defending this matter and reaching settlement.

A proposed order is attached for the Court's convenience.

Respectfully submitted,

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Dated: January 17, 2024

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Dated: January 17, 2024

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